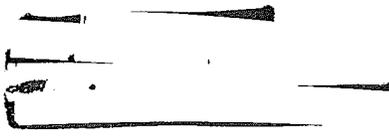


STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE OFFICES OF HEALTH AND HUMAN SERVICES
APPEALS OFFICE

56 Howard Avenue-LP Bldg
Cranston, Rhode Island 02920
(401) 462-2132/Fax# (401) 462-0458
TDD# (401) 462-3363

Docket # 14-447
Hearing Date: July 7, 2014

Date: July 14, 2014



ADMINISTRATIVE HEARING DECISION

The Administrative Hearing that you requested was convened on July 7, 2014 in the DHS Office in Woonsocket. As a result of the evidence and testimony given, the decision has been made that your appeal is within the jurisdiction of the Appeals Office to decide.

**THE DHS POLICY MANUAL: GENERAL PROVISIONS
SECTION: 0110.20 DEFINITION OF AN APPEAL
0110.30.20 THE HEARING REQUEST/ADVANCE NOTICE PERIOD**

Present at the hearing were: You (the appellant), and Cheryl Tremblay (DHS Supervisor)

Copies of this decision have been sent to the following: You (the appellant), Mike Richardson and Cheryl Tremblay(DHS Supervisor)

DHS POLICIES:

Please see the attached APPENDIX for pertinent excerpts from the Rhode Island Department of Human Services Policy Manual.

APPEAL RIGHTS: Please see attached NOTICE OF APPELLATE RIGHTS at the end of this decision.

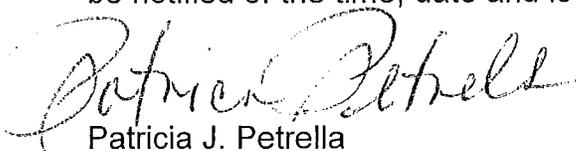
You requested a hearing to appeal the Agency's action taken on November 13, 2013 where the Medical Review Team did not find you permanently disabled and Medical Assistance was denied. It appears that you applied again in the field and were denied Medical Assistance for the month of December 2013. According to our records, you once again applied for Medical

Assistance and were denied again on or about January 23, 2014. The issue here is whether you filed a timely appeal of the MART decision that found you were not permanently disabled. At the hearing on July 7, 2014, evidence and testimony was given by you. You stated that you were hospitalized at Miriam Hospital for one week in August 2013. The ultimate diagnosis was a mini stroke. You stated that you were staying with a friend in Cranston to recover from your stroke. You also stated that you engaged in rehabilitation every day for the first month and 2 to 3 times a week for the next two months while residing in Cranston. You stated that your ability to remember short and long term was affected by your stroke. During testimony you stated that as soon as you received the notice of denial from MART, you filled in the papers and sent them in.

In summary, it appears that you tried to appeal in the field two times and were denied twice. You received a decision that you were denied Medical Assistance on or about January 23, 2014. The issue that remains is whether your appeal of the MART denial was timely.

On July 7, 2014, this Hearing Officer heard testimony on the timeliness issue. A review of the Agency's policy regarding appeals as cited above and as included at the end of this decision reveals that appeals regarding the Medical Review Team must be filed within 30 days of the Agency's notice of action. All notices contain a request for hearing form, as well as an explanation of the time deadlines. Policy allows additional 5 days to compensate for the possibility of mail delays. Your appeal of the notice of the Agency's action was received by the Agency on or about 2/20/2014, 68 days after the Agency's notice of denial, which is beyond the 30-day limit plus the 5-day adjustment. However, it is within 30 days of the last denial of your Medical Assistance Program application on January 23, 2014. This Hearing Officer finds good cause as your stroke compromised your ability to "appeal" the Mart decision. This Hearing Officer finds your attempts to reapply for Medical Assistance was in fact an effort to appeal your MART findings and was therefore timely. Without the benefit of your applications, this Hearing Officer feels safe in assuming that it would have been difficult for even someone who had not suffered a stroke to realize that reapplying for the Medical Assistance Program was not preserving your right to an appeal the MART decision.

As such, you may proceed with a MART hearing. Said hearing will be scheduled and you will be notified of the time, date and location within the near future.



Patricia J. Petrella
Hearing Officer
OHHS